

## REMARKS

Reconsideration of the present application is respectfully requested. Claims 8-15 and 17-38 were pending. Claim 31 has been amended. Claim 34 has been cancelled without prejudice. Claims 8-15, 17-33, and 35-38 are currently pending.

Applicant notes with appreciation that claims 8-15, 17-30, 35, and 37-38 are allowed. Thus, the following remarks are directed solely to the remaining claims 31-34 and 36.

### Claim Objection

Claim 34 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant amends the base claim of claim 34, i.e., claim 31, to include all limitations of claim 34 and cancels claim 34 without prejudice. Thus, claim 31 as amended is allowable over the art of record. Withdrawal of the objection and allowance of claim 31 is respectfully requested.

### 35 U.S.C. § 103(a) Rejections

Claims 31-33 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Modiano et al. ("Design and analysis of an asynchronous WDM local area network using a master/slave scheduler", hereinafter "Modiano") in view of Gehlhaar et al. (US Patent No. 5,892,916; hereinafter "Gehlhaar"). Applicants respectfully traverse the rejections. For the reason discussed above, claim 31 as

amended is patentable over Modiano in view of Gehlhaar. Withdrawal of the rejection is respectfully requested.

Claims 32-33 and 36 depend, directly or indirectly from claim 31, and thus, are patentable over Modiano in view of Gehlhaar as well. Withdrawal of the rejection is respectfully requested.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited.


If the Examiner perceives any further obstacle to allowing the present application, he is invited to contact the undersigned at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Chui-kiu Teresa Wong  
Reg. No. 48,042

Customer No. 48102  
1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300